IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 19729 of 2007(W)

PETITIONERS:

1. AJITHKUMAR M.C.,S/O.MADHAVAN PILLAI,
   CHITTACKATTU HOUSE,
   MANNAR (PEON, NS HIGHER SECONDARY SCHOOL,MANNAR).

2. B.LALITHA,W/O.VIJAYAKUMAR,PALACKAL HOUSE
   KUTTAMPEROOR P.O.,MANNAR (PEON,NS HIGHER
   SECONDARY SCHOOL, MANNAR).

3. J.SREEKALA,W/O.AJITHKUMAR,SAJI BHAVAN,
   KURATHIKKAD,MAVELIKARA,(FULL TIME MENIAL,NS
   GIRL'S SCHOOL,MANNAR).

4. B.PRAMODKUMAR,S/O.BHASKARA PANICKER,
   KALATHIL HOUSE,ERAMATHOOR,MANNAR
   (FULL TIME MENIAL,NS GIRL'S SCHOOL,MANNAR).

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE
   SECRETARY TO GOVERNMENT,DEPARTMENT OF GENERAL
   EDUCATION, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPUAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
   OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS,
   THIRUVANANTHAPURAM.

3. THE DISTRICT EDUCATIONAL OFFICER,
   OFFICE OF THE DISTRICT EDUCATIONAL OFFICER, MAVELIKARA.

4. THE MANAGER,NAIR SAMAJAM HIGHER SECONDARY SCHOOL,
   TTI & GIRL'S HIGH SCHOOL,MANNAR.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.19729 OF 2007

Dated this the 27th day of June, 2007

JUDGMENT

Having heard learned counsel for the petitioner and learned Government Pleader and having perused the impugned order (Ext.P8) and other relevant materials on record, I am satisfied that the writ petition can be disposed of without issuing notice to the respondents.

2. Learned Government Pleader submits that Ext.P8 has been passed by respondent no.2 apparently by mistake. As rightly pointed out by him, this court in Ext.P7 judgment had directed the Government and not the Director to pass orders on Ext.P6 revision petition filed by the petitioners. But the Director in Ext.P8 order has stated that the order is being passed in terms of the directions issued by this court in Ext.P6. This is obviously a mistake.

3. It may be true that petitioner had submitted Ext.P6 before the Director. But since the Government is in seisin of

the matter as directed by this court the Director could have left the matter for the decision of the Government.

There is yet another aspect of the matter. It is seen from Ext.P8 order that Government had called for certain remarks from the Director. But nevertheless the Director had proceeded to decide the issue though there was no direction to him to dispose of the matter. In any view of the matter, Ext.P8 is liable to be quashed. I do so. The Government shall comply with the direction issued by this court in Ext.P7 judgment.

A.K.BASHEER, JUDGE

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